

3. In response to Paragraph 3 of Plaintiff's Complaint, Equifax admits that Plaintiff purports to bring this action for actual, statutory and punitive damages, costs and attorneys' fees pursuant to the FCRA, all of which Equifax denies any liability to Plaintiff.

4. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of Plaintiff's Complaint.

5. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of Plaintiff's Complaint.

6. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of Plaintiff's Complaint.

7. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of Plaintiff's Complaint.

THE PARTIES

8. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of Plaintiff's Complaint.

11. Equifax admits the allegations contained in Paragraph 11 of Plaintiff's Complaint.

12. Equifax admits the allegations contained in Paragraph 12 of Plaintiff's Complaint.

13. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of Plaintiff's Complaint.

14. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of Plaintiff's Complaint.

First Claim: The CRA Defendants' Violations of 15 USC § 1681b(a)

15. In response to Paragraph 15 of Plaintiff's Complaint, Equifax reasserts and realleges its responses and defenses as set forth above.

1 16. In response to Paragraph 16 of Plaintiff's Complaint, Equifax states that the
2 provisions of the FCRA speak for themselves.

3 17. Equifax is without knowledge or information sufficient to form a belief as to the
4 truth of the allegations contained in Paragraph 17 of Plaintiff's Complaint.

5 18. Equifax is without knowledge or information sufficient to form a belief as to the
6 truth of the allegations contained in Paragraph 18 of Plaintiff's Complaint.

7 19. Equifax is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 19 of Plaintiff's Complaint.

9 20. Equifax denies the allegations contained in Paragraph 20 as they pertain to
10 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
11 of the remaining allegations contained in Paragraph 20 of Plaintiff's Complaint.

12 21. Equifax denies the allegations contained in Paragraph 21 as they pertain to
13 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
14 of the remaining allegations contained in Paragraph 21 of Plaintiff's Complaint.

15 22. Equifax is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in Paragraph 22 of Plaintiff's Complaint.

17 23. Equifax denies the allegations contained in Paragraph 23 as they pertain to
18 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
19 of the remaining allegations contained in Paragraph 23 of Plaintiff's Complaint.

20 24. Equifax denies the allegations contained in Paragraph 24 as they pertain to
21 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
22 of the remaining allegations contained in Paragraph 24 of Plaintiff's Complaint.

23 25. Equifax denies the allegations contained in Paragraph 25 as they pertain to
24 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
25 of the remaining allegations contained in Paragraph 25 of Plaintiff's Complaint.

26 26. Equifax denies the allegations contained in Paragraph 26 as they pertain to
27 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
28 of the remaining allegations contained in Paragraph 26 of Plaintiff's Complaint.

27. Equifax denies the allegations contained in Paragraph 27 as they pertain to Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 27 of Plaintiff's Complaint.

Second Claim: The CRA Defendants' Violations of 15 USC § 1681i

28. In response to Paragraph 28 of Plaintiff's Complaint, Equifax reasserts and realleges its responses and defenses as set forth above.

29. In response to Paragraph 29 of Plaintiff's Complaint, Equifax states that the provisions of the FCRA speak for themselves.

30. Equifax denies the allegations contained in Paragraph 30 as they pertain to Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 30 of Plaintiff's Complaint.

31. Equifax denies the allegations contained in Paragraph 31 as they pertain to Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 31 of Plaintiff's Complaint.

32. Equifax denies the allegations contained in Paragraph 32 as they pertain to Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 32 of Plaintiff's Complaint.

33. Equifax denies the allegations contained in Paragraph 33 as they pertain to Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 33 of Plaintiff's Complaint.

34. Equifax denies the allegations contained in Paragraph 34 as they pertain to Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 34 of Plaintiff's Complaint.

35. Equifax denies the allegations contained in Paragraph 35 as they pertain to Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 35 of Plaintiff's Complaint.

36. Equifax denies the allegations contained in Paragraph 36 as they pertain to Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 36 of Plaintiff's Complaint.

37. Equifax denies the allegations contained in Paragraph 37 as they pertain to Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 37 of Plaintiff's Complaint.

Third Claim: Capital One's Violations of 15 USC § 1681s-2(b)

38. In response to Paragraph 38 of Plaintiff's Complaint, Equifax reasserts and re-alleges its responses and defenses as set forth above.

39. In response to Paragraph 39 of Plaintiff's Complaint, Equifax states that the provisions of the FCRA speak for themselves.

40. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of Plaintiff's Complaint.

41. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of Plaintiff's Complaint.

42. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 of Plaintiff's Complaint.

43. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43 of Plaintiff's Complaint.

44. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of Plaintiff's Complaint.

45. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 of Plaintiff's Complaint.

46. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 of Plaintiff's Complaint.

47. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of Plaintiff's Complaint.

Fourth Claim: Patenaude & Felix's Violations of 15 USC § 1692 et seq.

48. In response to Paragraph 48 of Plaintiff's Complaint, Equifax reasserts and re-alleges its responses and defenses as set forth above.

49. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 of Plaintiff's Complaint.

50. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of Plaintiff's Complaint.

51. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of Plaintiff's Complaint.

52. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 of Plaintiff's Complaint.

53. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of Plaintiff's Complaint.

54. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of Plaintiff's Complaint.

55. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 of Plaintiff's Complaint.

Fifth Claim: Capital One Bank's and Patenaude & Felix's's Violations of California's Identity Theft Statute, California Civil Code §§ 1798.92 et seq.

56. In response to Paragraph 56 of Plaintiff's Complaint, Equifax reasserts and re-alleges its responses and defenses as set forth above.

57. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 of Plaintiff's Complaint.

58. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 of Plaintiff's Complaint.

59. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 of Plaintiff's Complaint.

60. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 of Plaintiff's Complaint.

61. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 of Plaintiff's Complaint.

62. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 of Plaintiff's Complaint.

63. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63 of Plaintiff's Complaint.

64. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 of Plaintiff's Complaint.

Sixth Claim: Malicious Prosecution of a Collection Action by Capital One Bank and Patenaude & Felix

65. In response to Paragraph 65 of Plaintiff's Complaint, Equifax reasserts and re-alleges its responses and defenses as set forth above.

66. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 66 of Plaintiff's Complaint.

67. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 of Plaintiff's Complaint.

68. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 of Plaintiff's Complaint.

69. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 of Plaintiff's Complaint.

70. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 of Plaintiff's Complaint.

71. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 of Plaintiff's Complaint.

72. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 of Plaintiff's Complaint.

73. Equifax denies that Plaintiff is entitled to any of the relief set forth in Plaintiff's Prayer for Relief.

PRAYER

74. Equifax denies that Plaintiff is entitled to any of the relief set forth in Paragraph 44.

DEFENSES

FIRST DEFENSE

75. Plaintiff's Complaint fails to state a claim against Equifax upon which relief can be granted.

SECOND DEFENSE

76. Plaintiff's claims are, or may be, barred by the applicable statute of limitations.

THIRD DEFENSE

77. Plaintiff's damages, if any, were not caused by Equifax, but by another person or entity for whom or for which Equifax is not responsible.

FOURTH DEFENSE

78. To the extent that plaintiff alleges that Equifax violated the FCRA, CCCRA or other similar statute, Equifax is entitled to, and asserts, each and every defense and limitation of liability provided by said acts.

FIFTH DEFENSE

79. Some, or all, of Plaintiff's claims are pre-empted by the Fair Credit Reporting Act, 15 U.S.C. §1681h(e).

SIXTH DEFENSE

80. Equifax maintained reasonable procedures to assure the maximum possible accuracy in its credit reports.

SEVENTH DEFENSE

81. The Complaint, and each and every cause of action stated therein, is barred by the provisions of CCRAA §§1785.31, 1785.32 and 1785.33.

EIGHTH DEFENSE

82. The Complaint is barred by Plaintiff's failure to mitigate his damages, if any.

NINTH DEFENSE

83. Equifax's publication of information about Plaintiff, if any, was privileged and justified.

TENTH DEFENSE

84. Plaintiff's claim for punitive damages is barred by the provisions of 15 U.S.C. §1681n.

ELEVENTH DEFENSE

85. Plaintiff's complaint seeks the imposition of punitive damages. Equifax adopts by reference the defenses, criteria, limitations, standards and constitutional protections mandated or provided by the United States Supreme Court in the following cases: BMW v. Gore, 517 U.S. 559 (1996); Cooper Indus., Inc. v. Leatherman Tool Group, Inc., 532 U.S. 923 (2001) and State Farm v. Campbell, 538 U.S. 408 (2003).

TWELFTH DEFENSE

86. To the extent any allegations or counts sound in tort or negligence, Equifax asserts any and all defenses available to it under those bodies of law.

THIRTEENTH DEFENSE

87. Any allegation of the Complaint not expressly admitted is denied.

FOURTEENTH DEFENSE

88. Equifax reserves the right to have additional defenses that it learns of through the course of discovery.

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